

Dated: September 15, 1994.
Susan G. Esserman,
*Assistant Secretary for Import
Administration.*
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[A-201-601]**Fresh Cut Flowers From Mexico;
Preliminary Results of Antidumping
Duty Administrative Review**

AGENCY: Import Administration,
International Trade Administration,
Department of Commerce.

ACTION: Notice of preliminary results
and termination in part of antidumping
duty administrative review.

SUMMARY: In response to a request by the
Floral Trade Council (petitioner), and
three respondents, the Department of
Commerce (the Department) is
conducting an administrative review of
the antidumping duty order on certain
fresh cut flowers from Mexico. The
review covers eleven producers/
exporters, and entries of the subject
merchandise into the United States
during the period April 1, 1993, through
March 31, 1994. We have preliminarily
determined to assign margins based on
the best information available (BIA) to
five of these producers due to their
failure to respond to our request for
information. We have preliminarily
determined that zero margins exist for
three other producers. Two producers,
Rancho Daisy (Daisy) and Visaflor F. de
P.R. (Visaflor), made no shipments to
the United States during the period of
review (POR).

Interested parties are invited to
comment on these preliminary results.

EFFECTIVE DATE: September 26, 1995.

FOR FURTHER INFORMATION CONTACT:
Matthew Blaskovich or Zev Primor,
Office of Antidumping Compliance,
Import Administration, International
Trade Administration, U.S. Department
of Commerce, 14th Street and
Constitution Avenue, NW, Washington,
DC 20230; telephone: (202) 482-5831/
4114.

SUPPLEMENTARY INFORMATION:**Background**

On April 23, 1987, the Department
published in the Federal Register an
antidumping duty order on certain fresh
cut flowers from Mexico (52 FR 13491).
On April 7, 1994, the Department
published a notice of opportunity to
request an administrative review of this
antidumping duty order (59 FR 16615).
In accordance with 19 CFR 353.22(a)(1),
petitioner requested an administrative

review on April 29, 1994. Also on that
date, Rancho Guacatay (Guacatay),
Rancho el Toro (Toro), and Rancho
Aguaje (Aguaje) requested that the
Department conduct a review, and upon
completion of the review, revoke the
antidumping order as it pertains to all
three producers. We published a notice
of initiation on May 12, 1994 (59 FR
24683), covering Visaflor, Tzitzic Tareta,
Daisy, Rancho Alisitos (Alisitos),
Rancho Mision el Descanso (Mision el
Descanso), Rancho Las Dos Palmas (Las
Dos Palmas), Las Flores de Mexico (Las
Flores), Rancho del Pacifico (Pacifico),
Aguaje, Toro, Guacatay, and Mexipel,
S.A. de CV (Mexipel) and the period
April 1, 1993, through March 31, 1994.

On August 23 and May 25, 1994,
Daisy and Visaflor respectively stated
that they did not ship subject
merchandise from Mexico to the United
States during the POR. We verified their
claim through the U.S. Customs Service.
On November 15, 1994, the Department
was informed that Las Dos Palmas
ceased to exist in 1986, and became
Aguaje. (See memorandum to the file
dated 5/15/95.) The Department
received no questionnaire responses
from Tzitzic Tareta, Alisitos, Mision el
Descanso, Las Flores, and Mexipel.
Therefore, we have based our results for
these five respondents on BIA.

Applicable Statutes and Regulations

The Department is conducting this
review in accordance with section 751
of the Tariff Act of 1930, as amended
(the Act). Unless otherwise stated, all
citations to the statutes and to the
Department's regulations are references
to the provisions as they existed on
December 31, 1994.

Scope of the Review

The products covered by this review
are certain fresh cut flowers, defined as
standard carnations, standard
chrysanthemums, and pompon
chrysanthemums. During the POR, such
merchandise was classifiable under
Harmonized Tariff Schedule of the
United States (HTSUS) items
0603.10.7010 (pompon
chrysanthemums), 0603.10.7020
(standard chrysanthemums), and
0603.10.7030 (standard carnations). The
HTSUS item numbers are provided for
convenience and Customs purposes
only. The written description remains
dispositive as to the scope of the order.

This review covers sales of the subject
merchandise entered into the United
States during the period April 1, 1993,
through March 31, 1994.

United States Price

As in the original less-than-fair-value
(LTFV) investigation and in all prior
administrative reviews, all United States
prices were weight-averaged on a
monthly basis to account for the
perishability of the product. In
accordance with the methodology
established in the 1989-1990 review, we
also calculated United States price by
flower type, without regard to specific
grades. (See Final Results of
Antidumping Duty Administrative
Review; Certain Fresh Cut Flowers from
Mexico, 56 FR 29621 (June 28, 1991).)

For sales made directly to unrelated
parties prior to importation into the
United States, we based the United
States price on purchase price, in
accordance with section 772(b) of the
Act. For sales to the first unrelated
purchaser that took place after
importation into the United States, we
based United States price on exporter
sales price (ESP). Purchase price and
ESP transactions were based, where
applicable, on the packed f.o.b. prices to
the first unrelated purchaser in the
United States. We made deductions
from purchase price and ESP, where
applicable, for foreign and U.S. inland
freight, U.S. and Mexican Customs
clearance fees, U.S. and Mexican
brokerage and handling charges,
indirect selling expenses, and credit. No
other adjustments were claimed or
allowed.

Foreign Market Value

In calculating foreign market value
(FMV), we used home market prices to
unrelated purchasers or constructed
value (CV), as defined in section 773 of
the Act.

Because the Department determined
during the prior completed
administrative review that Guacatay
made sales in the home market below
the cost of production (COP) (See Final
Results of Administrative Review;
Certain Fresh Cut Flowers from Mexico,
57 FR 19597 (May 7, 1992)), we initiated
a COP investigation with respect to
Guacatay. We tested, on a monthly sales
aggregate basis, whether net home
market price was greater than the sum
of cost of production (COP) and
packing. We determined that no sales in
the home market were made below the
cost of production.

Where applicable, home market price
was based on the packed, delivered
price to unrelated purchasers in the
home market. When CV was used, it
consisted of the sum of the costs of
materials, labor, direct and indirect
overhead, selling, general and
administrative expenses (SG&A), and

profit. We added the greater of the actual value for SG&A or the statutory minimum of 10 percent of the cost of materials and fabrication, in accordance with section 773(e) of the Act. Where the actual profit was less than the statutory minimum of eight percent of the sum of materials, labor, direct and indirect overhead, and SG&A, we added the statutory minimum.

Where applicable, we made adjustments for commissions, indirect selling expenses, credit, and differences in packing costs. No other adjustments were claimed or allowed.

Best Information Available

Because we received no questionnaire responses from Tzitzic Tareta, Alisitos, Mision el Descanso, Las Flores, and Mexipel, we have determined that they are uncooperative respondents. As a result, in accordance with section 776(c) of the Act, we have determined that the use of BIA is appropriate. Whenever, as here, a company refuses to cooperate with the Department, or otherwise significantly impedes an antidumping proceeding, we use as BIA the higher of (1) the highest of the rates found for any firm for the same class or kind of merchandise in the same country of origin in the LTFV investigation or in prior administrative reviews; or (2) the highest rate found in this review for any firm for the same class or kind of merchandise. (See Antifriction Bearings from France, et. al; Final Results of Review, 58 FR 39729 (July 26, 1993).) As BIA, we assigned the rate of 39.95 percent, which is the second highest rate found for any Mexican flower producer from the prior reviews and the LTFV investigation. We have selected this rate because the highest rate found for any Mexican flower producer in prior reviews and the LTFV investigation, 264.43 percent, is not representative.

This rate was due to a company's extraordinarily high business expenses during the review period resulting from investment activities which were uncharacteristic of the other reviewed companies. Therefore, we found it inappropriate to use this rate as BIA, both in prior reviews and in this review. (See Notice of Final Results of Antidumping Duty Administrative Review; Certain Fresh Cut Flowers from Mexico, 56 FR 29621, 29623 (June 28, 1991).)

Preliminary Results of Review

We preliminarily determine that the following dumping margins exist for the period April 1, 1993, through March 31, 1994:

Manufacturer/exporter	Margin (percent)
Visaflor	10.00
Rancho Daisy	10.00
Rancho del Pacifico	0.00
Rancho el Toro	0.00
Rancho Guacatay	0.00
Rancho Aguaje	1.54
Mexipel, S.A. de CV	39.95
Tzitzic Tareta	39.95
Rancho Alisitos	39.95
Rancho Mision el Descanso	39.95
Las Flores de Mexico	39.95

¹ No shipments subject to this review. Rate is from the last relevant segment of the proceeding in which the firm had shipments.

We have preliminarily determined not to revoke the antidumping order with regard to Guacatay, Toro, and Aguaje, because they preliminarily received a non-de minimis dumping margin in the 1991-92 review. If those results become final, these producers will not be eligible for revocation in this review because they will not have three consecutive reviews with zero margins.

Any interested party may request a hearing within 10 days of publication of this notice. Any hearing will be held 44 days after the date of publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the publication date of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication of this notice. The Department will publish a notice of the final results of this administrative review, which will include the result of its analysis of issues raised in any such case briefs.

The following deposit requirements shall be effective for all shipments of the subject merchandise that are entered or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed companies shall be those rates established in the final results of this review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original LTFV investigation, but the manufacturer is, the cash deposit rate shall be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be 18.28

percent, the all others rate established in the LTFV investigation.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Department's regulations.

Dated: September 15, 1995.
Susan G. Esserman,
Assistant Secretary for Import Administration.

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[A-428-801]

Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof From Germany; Amended Final Results of Antidumping Duty Administrative Reviews

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of amended final results of antidumping duty administrative reviews.

SUMMARY: On February 28, 1995, the Department of Commerce (the Department) published the final results of its administrative reviews of the antidumping duty orders on antifriction bearings (other than tapered roller bearings) and parts thereof (AFBs) from France et al. (including Germany) (60 FR 10900). Pursuant to instructions issued by the Court of International Trade (CIT) on July 26, 1995, we have corrected two errors with respect to AFBs from Germany sold by FAG Kugelfischer Georg Schaefer KgaA (FAG). There errors were present in our first amended final results of review, which were published on June 13, 1995. The reviews cover the period May 1, 1992, through April 30, 1993. The "classes or kinds" of merchandise covered by these reviews are ball bearings and parts thereof (BBs),